

United States District Court
Eastern District
of New York

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 09 2023 ★

LONG ISLAND OFFICE

CV-23-1084
Case No.....

Racquel K McPherson

Plaintiff

AZRACK, J.

LINDSAY, M.J.

Request: Jury Trial

-v-

Bloomingdales an Agent of MACYS

Defendant

COMPLAINT FOR EMPLOYMENT DISCRIMINATION, WRONGFUL TERMINATION,
RETALIATION, HOSTILE WORK ENVIRONMENT, THEFT OF FUNDS, DISHONEST
BUSINESS PRACTICES ETALS..

The Parties to This Complaint

A. The Plaintiff

Name: Racquel K McPherson

Address: 587 CHRISTIE ST, SOUTH HEMPSTEAD, New York. 11550

Telephone Number: 917-889-0521

B. The Defendant

Name: Bloomingdales an Agent of Macys

Address: 151 west 34th st, N.Y. N.Y. 10001.

Telephone: 212-705-2000

Place of Employment

Name: Bloomingdales located in the Roosevelt Field Mall

Street Address: 630 Old Country Rd,

City and County: Garden City, Nassau County

State and Zip Code: N.Y. 11530

Telephone Number: (516) 873-2700

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. based on race..

Violations of Plaintiffs Civil Rights!

Wrongful Termination, Retaliation, hostile work environment, Theft of Funds, Dishonest Business Practices etals

III. Statement of Claim

Bloomingdales lying to Black People!

Bloomingdales misrepresenting themselves to advance themselves!

Bloomingdales an Agent of Macys claims to care about Black People, so they donate to Black Charities and during Black History Month put up Pictures of Black People in their Stores.

Why is it then Bloomingdales allows white employees to call Black People **NIGGERS** or tell Black People they do not belong here?

Why is it then Bloomingdales allow white customers to call Black People **NIGGERS**?

Why is it then Bloomingdales allow white employees to disparage, disrespect, belittle black employees by telling them not to use certain Registers/stations because they do not want to catch anything? Please note this in front of Bloomingdales Customers!

Why is it then Bloomingdales allow white employees to threaten, terrorize, bully, harass etals black employees for their sales?

Why is it then Bloomingdales allow white employees to steal black employee sales by hacking into Black Employee Customer Account and using Ringer Mode to switch Black Employee Sales to white employee?

Why is it then Bloomingdales allow white employees to steal Black employee sales/commissions and when this is found out refuse to repay the stolen sales/commission to black employee?

Why is it then Bloomingdales provide special accommodations for white employees, while, refusing to provide similar accommodations for black employees?

Why is it then Bloomingdales threaten employees with termination, if they record civil rights violations?
Is it so that they can have Plausible Deniability?

Why is it then does Bloomingdales sabotage and blackball black employees from receiving lucrative positions with leasing vendors, while, paving the way for white past and present employees?

Why is it in the entire history of Bloomingdales Roosevelt Field Mall there has NEVER been a Black General Manager?

Bloomingdales claims they are against Discrimination, Retaliation, hostile work environment etals so they created a so-called Anonymous Survey. They claim this is so that employees can answer questions honestly without fear of retribution. Why is it then in order to take the Survey you first have to type in your Employee Identification number?

Please note in or around November of 2019, I began working at Bloomingdales, Roosevelt Field Mall. Approximately 5 months later in March of 2020 we were laid off due to COVID.

Please note in July of 2020, I was scheduled to return to work. We were told due to the fact that we had a smaller work force each day we would be assigned to different areas on the Upper Level Sales Floor.

7/2020 I WAS SCHEDULED TO WORK IN AQUA THE BLOOMINGDALES BRAND. I WAS ASSISTING A CUSTOMER AND HER DAUGHTER. WHITE BLOOMINGDALES EMPLOYEE CAME OVER TO ME AND SAID THE CUSTOMER, I WAS ASSISTING IS HER CUSTOMER AND I SHOULD MAKESURE; I RING UP ALL THE CUSTOMER'S SALES UNDER HER NUMBER.

I TOLD HER NO. I TOLD HER THAT THEY WERE MY CUSTOMERS AND THAT I AM GOING TO RING THEM UP UNDER MY NUMBER. WHITE BLOOMINGDALES EMPLOYEE STUMPED AWAY.

WHITE BLOOMINGDALES EMPLOYEE LATER RETURNED TO MY STATION WITH WHAT SEEMED LIKE EVERYTHING IN HER FITTING ROOM AND PROCEEDED TO DUMP IT ALL OVER MY DESK!

PLEASE NOTE THIS IN FRONT OF MY CUSTOMERS. WHITE BLOOMINGDALES EMPLOYEE THEN SAID TO ME, IF YOU'RE NOT GOING TO GIVE ME THE SALE THEN YOU SHOULD DO THE RECOVERY/CLEAN UP!

PLEASE NOTE LATER THAT SAME DAY MY WHITE MANAGER CAME OVER TO ME AND ASKED ME HOW MY DAY WAS GOING.

I HESITATED TO TELL HER BECAUSE THE MINUTE **YOU REPORT A PROBLEM YOU BECOME THE PROBLEM.** PLEASE NOTE NEVERTHELESS, I DECIDED TO TELL HER WHAT HAD OCCURED WITH MY WHITE COLLEAGUE; MY MANAGER THEN SAID SHE WLD TALK TO HER.

AUGUST 2020- I WAS SCHEDULED FOR THE LATE SHIFT. I WAS APPROACHED BY A CUSTOMER, BEFORE; I HAD A CHANCE TO OPEN MY REGISTER. CUSTOMER WANTED TO PAY FOR SOME ITEMS. I LOOKED OVER TO THE DENIM DEPT. THE REGISTER WAS FREE UNBEKNOWNST TO ME AT THE TIME THAT MY WHITE COLLEAGUE OWNED THE REGISTER. I WAS NOT ALLOWED TO USE IT.

PLEASE NOTE I PROCEEDED TO THE REGISTER. I STARTED RINGING UP THE CUSTOMER. WHITE COLLEAGUE CAME OVER TO ME. STATING YOU DO NOT BELONG HERE, IF I CATCH YOU HERE AGAIN YOU'RE GOING TO BE IN BIG TROUBLE. PLEASE NOTE SHORTLY, THEREAFTER, I WAS TOLD BY ANOTHER COLLEAGUE THIS SAME WHITE COLLEAGUE WAS REFERING TO BLACK PEOPLE AS **NIGGERS.**

9/2020 (LABOR DAY WEEKEND) I HAD ENOUGH, SO, I DECIDED TO FILE A COMPLAINT WITH THE THEN GENERAL MANAGER AND HUMAN RESOURCES..

10/20/20 I STARTED NOTICING DISCREPANCIES IN MY SALES FOR EG. I WOULD MAKE APPROX: \$5,000 IN APPROX: 2 HOURS AND THEN AN 1 HOUR LATER I WOULD BE IN THE NEGATIVE. PLEASE NOTE THIS REPEATEDLY KEPT HAPPENING. I ASKED MY MANAGER TO LOOK INTO IT AS THIS WAS VERY UNUSUAL.

ON OR ABOUT THE WEEKEND OF JANUARY 17, 2021 WHITE STYLISTAND HIS SISTER WHO WAS A BLOOMINGDALES MANAGER WERE ALLEGEDLY FIRED FOR **FRAUD, THEFT** OF FUNDS ETC, THEY WERE USING RINGERMODE TO STEAL ASSOCIATE SALES TO BOOST THE WHITE STYLIST SALES AND COMMISSIONS.

ON OR ABOUT JANUARY 11, 2021 LARRY (WHITE HUMAN RESOURCES) RESPONDED TO MY COMPLAINT, THAT, I FILED IN SEPT OF 2020 ABOUT WHITE EMPLOYEE. LARRY SAID TO ME, "WHAT DO YOU WANT".

PLEASE NOTE NO WHERE IN THE COMPLIANCE TRAINING MANUALS THAT BLOOMINGDALES FORCES YOU TO TAKE EVERY YEAR DOES IT SAY WHEN AN EMPLOYEE COMPLAINS ABOUT DISCRIMINATION, RETALIATION, HOSTILE WORK ENVIRONMENT ETALS THE MGR SHOULD ASK WHAT DO YOU WANT.

1/12/21 I SENT AN EMAIL AND TOLD LARRY WHAT I WANTED. THIS WAS FOR THEM TO DO WHAT THEY SAID THEY WOULD DO IN THE COMPLIANCE TRAINING MANUAL; IF YOU'RE AGAINST DISCRIMINATION, RETALIATION, HOSTILE WORK ENVIRONMENT ETALS BE AGAINST IT.

1/13/22 LARRY TRIED TO HAVE ANOTHER VIDEO CONFERENCE CALL. I TOLD BARBARA (WHITE HUMAN RESOURCES) I DO NOT FEEL COMFORTABLE TALKING TO LARRY BECAUSE HE KEEPS SAYING THINGS AND THEN KEEPS DENYING THAT HE EVER SAID/SAYING I MISUNDERSTOOD. **BLOOMINGDALES THREATENS US THAT WE ARE NOT ALLOWED TO RECORD CONVERSATIONS; IF WE DO, WE ARE TOLD IT IS IMMEDIATE CAUSE FOR TERMINATION.**

2/10/21- I PICKED UP AN EXTRA SHIFT. I THOUGHT FOR AQUA WOMEN. I WAS AT THE REGISTER. I WAS CHECKING OUT A CUSTOMER, WHILE, I HAD ANOTHER CUSTOMER WAITING FOR ME.

WHITE EMPLOYEE (THE ONE THAT TOLD ME, I DO NOT BELONG HERE) COMES OVER AND ASK MY CUSTOMER, IF THEY NEED HELP.

I TOLD WHITE COLLEAGUE, I AM ASSISTING HER. WHITE COLLEAGUE SAID TO ME ONCE MORE YOU, **DO NOT BELONG HERE**. PLEASE NOTE THIS IS A PHRASE , THAT, RACIST WHITE PEOPLE USE TO BELITTLE, DISPARAGE BLACK PEOPLE AND A TERM SHE HAD USED BEFORE, WHICH , I PREVIOUSLY POINTED OUT TO THE THEN GENERAL MANAGER AS A TERM RACIST WHITE PEOPLE USE TO DISPARAGE/BELITTLE BLACK PEOPLE.

PLEASE NOTE THEY STATED THEY WOULD TALK TO HER AGAIN. PLEASE NOTE I LATER FOUND OUT THIS SAME WHITE WOMAN THAT WAS BULLYING, HARASSING, THREATENING, TERORIZING, TELLING ME, I DON'T BELONG HERE WAS REFERRING TO BLACK PEOPLE AS **NIGGERS**.

7/2021- FOLLOWED UP WITH THE CEO MR GENNETTE ABOUT THE LACK OF DIVERSITY IN MGMT ETALS.

PLEASE NOTE IN THE ENTIRE HISTORY OF BLOOMINGDALES, ROOSEVELT FIELD MALL THERE HAS NEVER BEEN A BLACK GENERAL MANAGER. WHY NOT? BLOOMINGDALES CLAIMS TO PROMOTE INCLUSION, ACCEPTANCE, EQUAL TREATMENT UNDER THE LAW ETALS! WHY THEN HAS BLOOMINGDALES, ROOSEVELT FIELD MALL NEVER HAD A BLACK GENERAL MANAGER?

11/2021 YVES SAINT LAURENT MOVES INTO BLOOMINGDALES. PLEASE NOTE A FEW OF THE OTHER LEASING ASSOCIATES AND SUPERVISORS SWITCH TO YVES SAINT LAURENT AS THEY WERE PAYING TOP SALARY AND COMMISSION.

12/8/2021-I WAS WALKING TO THE LADIES ROOM WHEN I FELL.

PLEASE NOTE THERE WAS WATER ON THE GROUND, I DID NOT NOTICE AS THERE WERE NO SIGNS POSTED.

PLEASE NOTE DURING THIS PERIOD A LOT OF MY COLLEAGUES WERE OUT SICK DUE TO COVID; I DID NOT WANT TO GO TO THE HOSPITAL, SO, I WAS ASSISTED OFF THE FLOOR BY 2 OF THE 4 WITNESSES TO MY FALL.

I WENT BACK TO WORK AND DECIDED TO SCHEDULE A GENERAL CHECK UP WITH MY DOCTOR AT A LATER DATE TO ENSURE EVERYTHING WAS OKAY.

I REPORTED THE FALL TO THE DIRECTOR OF SECURITY AND REQUESTED AN ACCIDENT REPORT, INADDITION, TO A COPY OF THE VIDEOTAPE AS THE SECURITY CAMERAS WERE POSITIONED WHERE I FELL. SECURITY CLAIMED THE CAMERAS WERE NOT FOCUSED IN THAT AREA, SO THERE IS NO VIDEOTAPE.

12/9/2021- ONCE MORE I REQUESTED A COPY OF THE ACCIDENT REPORT WITH THE DIRECTOR OF SECURITY. HE CLAIMED THEY DO NOT GIVE OUT COPIES OF ACCIDENT REPORTS. I TOLD HIM, I AM NOT ASKING FOR SOMEONE ELSE'S REPORT, I AM ASKING FOR MY REPORT WITH REGARDS TO MY FALL.

1/4/2022- FINALLY RECEIVED A COPY OF THE ACCIDENT REPORT. **THE REPORT HAD NO STATEMENTS FROM THE 4 PEOPLE THAT WITNESSED MY FALL. INADDITION, BLOOMINGDALES HAD BACKDATED THE REPORT TO CLAIM THE ACCIDENT REPORT WAS GIVEN TO ME APPROX: 2 DAYS AFTER THE FALL; INADDITION THE REPORT HAD NAMED A DIFFERENT BLOOMINGDALES MANAGER AS THE PERSON WHO CONDUCTED THE INVESTIGATION AND IN SO DOING DID THE REPORT WHICH WAS FALSE!**

ON OR AROUND 1/2021 I APPLIED FOR A POSITION AT YVES SAINT LAURENT. I WAS TURNED DOWN. PLEASE NOTE IN THE APPROX: 2 YRS SINCE COMING TO WORK AT BLOOMINGDALES; WE BEGAN BEATING THE NYC BLOOMINGDALES IN

TERMS OF CLIENT BOOKS/SALES AND REVENUE. THIS I WAS TOLD HAD NEVER HAPPEN IN THE HISTORY OF BLOOMINGDALES, ROOSEVELT FIELD MALL.

INADDITION, IN 2021 I WAS THE NUMBER 1 SALES PERSON BEATING OUT EMPLOYEES WITH OVER 20+ YEARS OF EXPERIENCE WORKING AT BLOOMINGDALES!

YVES SAINT LAURENT HAD A ONE OF A KIND BAG. I WAS ONE OF THE 3 PEOPLE IN THE ENTIRE BLOOMINGDALES TO SELL ONE OF THESE 3 ONE OF A KIND BAGS IN THE FIRST FEW DAYS THEY WERE SENT TO THE STORE!

NEVERTHE LESS, I WAS TURNED DOWN FOR A POSITION AT YSL!

I WAS LATER TOLD THAT BLOOMINGDALES MANAGEMENT HAS TO AUTHORIZE CURRENT OR PAST EMPLOYEES TO WORK FOR LEASING COMPANIES WITHIN BLOOMINGDALES.

INADDITION, I WAS INFORMED THAT BLOOMINGDALES MANAGEMENT WAS BAD MOUTHING/BLACKBALLING/SABOTAGING ME ETALS TO THE MGRS OF YSL, WHILE, PAVING THE WAY FOR WHITE PAST AND PRESENT BLOOMINGDALES EMPLOYEES TO RECEIVE LUCRATIVE JOBS WITH OTHER LEASING BRANDS!

PLEASE NOTE NOT ONLY DID BLOOMINGDALES MANAGEMENT DO THIS TO ME BUT THEY WERE BUSY BLACKBALLING AND SABOTAGING ETALS OTHER PAST/PRESENT BLACK EMPLOYEES AS WELL.

4/19/22 DOCTORS NOTE GIVEN TO BARBARA (HUMAN RESOURCES) REQUESTING SIMILAR ACOMODATIONS THAT WERE GIVEN TO MY WHITE COLLEAGUE WHO HAD PREVIOUSLY HAD A SLIP AND FALL; BARBARA SAID SHE WLD SEND IT OVER TO MACYS AS THEY MAKE THE SCHEDULES.

4/25/22 FILLED OUT AN ACCOMODATION FORM AS DIRECTED BY BLOOMINDALES (MANAGER) AND HUMAN RESOURCES IN AN EMAIL.

5/9/22- BLOOMINGDALES WHITE GENERAL MANAGER AND MY DIRECT MANAGER CALLED ME TO THE GENERAL MANAGERS OFFICE. WHITE GENERAL MANAGER TOLD ME MY ACCOMODATIONS HAVE BEEN APPROVED AND THAT I WILL BE REMOVED FROM THE MAIN FLOOR AND PLACED IN THE BASEMENT TO SEPARATE SENSORS.

I ASKED THE WHITE GENERAL MANAGER FOR A COPY OF THE STATEMENT. SHE REFUSED TO GIVE ME A COPY CLAIMING ITS CONFIDENTIAL; JUST LIKE THEIR INITIAL REFUSAL TO GIVE ME A COPY OF MY ACCIDENT REPORT/ WITNESS STATEMENTS.

5/10/22- I SHOWED UP TO WORK. I ONCE MORE ASKED WHITE GENERAL MANAGER FOR A COPY OF THE STATEMENT FROM SEDGWICK-THEIR INSURANCE CARRIER. SHE REFUSED. SHE THEN BELLIGERENTLY STATED, IF I DON'T LIKE IT I CAN GO HOME. I TOLD HER I HAVE NO PROBLEM DOING THAT, SIMPLY GIVE ME A LETTER STATING YOU'RE SENDING ME HOME.

I TOLD WHITE GENERAL MANAGER, I WOULD BE WAITING AT MY DESK FOR THE LETTER. WHITE GENERAL MANAGER REPEATEDLY CAME UP TO MY STATION AND TRIED TO INTIMIDATE AND THREATEN ME WITH HER WEIGHT ETALS LIKE SHE HAD DONE BEFORE.

WHITE GENERAL MANAGER LATER LEFT AND BROUGHT BACK WITH HER A SECURITY OFFICER AND THEY BOTH, TRIED TO THREATEN AND INTIMIDATE ME. I CONTACTED THE POLICE. THE POLICE OFFICER CAME I SHOWED HIM THE DOCTORS NOTE ETALS AND THEN WE LEFT.

5/17/22- MACYS INVESTIGATOR (LEYANNE) CONTACTS ME TO CONDUCT A SHAM INVESTIGATION.

5/26/22- 1/2023- I REACHED OUT CEO JEFF GENNETTE.

6/1/22 I RECEIVED A TERMINATION LETTER DATED 5/31/22

6/17/22 RECEIVED AN EMAIL FROM LEIGHANN

6/20/22 RESPONDED TO MACYS INVESTIGATOR LEIGHANN.

A. The discriminatory conduct of which I complain about in this action includes:

- Termination of my employment.
- Failure to provide similar accommodations as given to white colleagues.
- Unequal terms and conditions of employment for present/past employees.
- Blackballing and sabotaging black past/present employees, while, opening up the way to lucrative leasing jobs for white past and present employees.
- Retaliation
- Hostile Work Environment
- Theft of Funds.

B. It is my recollection that the alleged discriminatory acts begun on or about July of 2020.

C. I believe the defendants are still committing much of these acts.

D. Defendant discriminated against me based on my Race.

E. The facts of my Case are as follows: I am filing a lawsuit against Bloomingdales an Agent of Macys for Discrimination, Retaliation, wrongful termination, hostile work environment, dishonest Business Practices, Theft of Funds etals

Bloomingdales an Agent of Macys claims to care about Black People, so they donate to Black Charities and during Black History Month put up Pictures of Black People in their Stores.

Why is it then Bloomingdales allows white employees to call Black People **NIGGERS** or tell them they do not belong there?

Why is it then Bloomingdales allow white customers to call Black People **NIGGERS**?

Why is it then Bloomingdales allow white employees to disparage, disrespect, belittle black employees by telling them not to use certain Registers/stations because they do not want to catch anything?

Why is it then Bloomingdales allow white employee to threaten, terrorize, bully, harass etals black employees for their sales?

Why is it then Bloomingdales allow white employees to steal black employee sales by using Ringer Mode to hack into Black Employee Customer Account and switch Black Employee Sales to white employee; refusing to reimburse black employees for loss of sales/commission?

Why is it then Bloomingdales allow white employees to steal Black employee sales/commissions and when this is found out refuse to repay the stolen sales/commission to black employee?

Why is it then Bloomingdales provide special accommodations for white employees, while, refusing to provide similar accommodations for black employees?

Why is it then does Bloomingdales threaten employees with termination, if they record civil rights violations?

Why is it then Bloomingdales sabotage and blackball etals black employees from receiving lucrative positions with leasing vendors, while, paving the way for white past and present employees?

Why is it then in the entire history of Bloomingdales Roosevelt Field Mall has there NEVER been a Black General Manager?

IV. It is my recollection that I feel, I have exhausted all possible Remedies with the defendant with regards to their conduct..

v. Relief

Bloomingdales needs to be what they claim they are! Bloomingdales claims they are against discrimination, yet, they allow white employees and customers to call black People **NIGGERS**/ tell black People they do not belong there/ threaten, terrorize, bully, harass steal black people sales/ blackball & sabotage etals black people from receiving lucrative positions, while, paving the way for white past/present employees.

Bloomingdales lying to Black People!

Bloomingdales misrepresenting themselves to advance themselves!

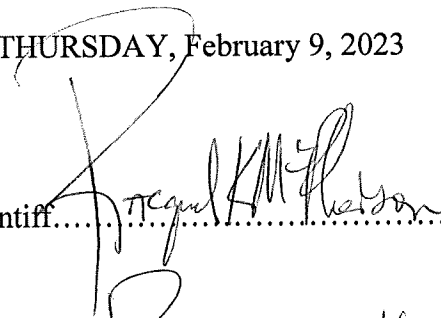
Seeking unspecified physical and punitive damages..

V1. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary for further investigation or discovery.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my Case.

Date of signing: THURSDAY, February 9, 2023

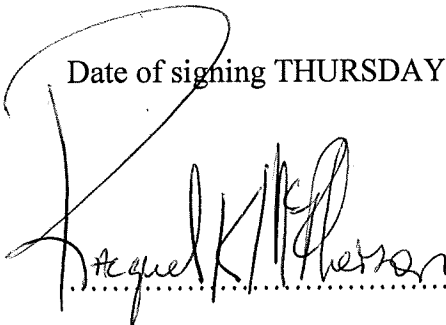
Signature of Plaintiff.....

Printed Name of Plaintiff.....

AFFIRMATION OF SERVICE

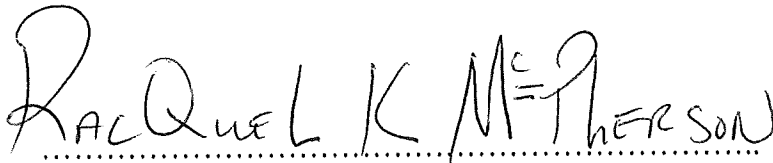
I AFFIRM UNDER PENALTY OF PERJURY, THAT, I RACQUEL K MCPHERSON ON
THIS DAY THURSDAY, February 9, 2023 PLAINTIFF SUBMITTED A COPY OF THIS
LAWSUIT TO THE DEFENDANT VIA THE UNITED STATES POSTAL SERVICES.

Date of signing THURSDAY, February 9, 2023



.....

Signature



.....

Print Name: